

### **REMARKS**

Reconsideration and allowance of Claims 1-17 of the subject application are respectfully requested. Claim 17 has been amended to correct an obvious typographical error.

### **Response to Restriction Requirement**

The Examiner imposed a two-way restriction requirement in the following groups.

- I. Claims 1-17, drawn to a laminate structure.
- II. Claim 18, drawn to a nonwoven fabric.

The Applicant's attorney elected Group I without traverse in the January 6, 2003 telephone conversation with the Examiner. That election is now affirmed.

### **Priority**

As requested by the Examiner, a statement referencing the prior provisional application has been included.

### **Rejection Under 35 USC 102/103**

Claims 1-8, 10-13 and 15-17 are rejected under 35 USC 102(b) as anticipated by or in the alternative under 35 USC 102(b) as obvious over US 4,631,908 to Pithouse et al (Pithouse).

Applicant traverses the rejection and notes that Pithouse neither anticipates the claimed invention nor renders it obvious. The Examiner lists disclosure in Pithouse that are deemed anticipatory of certain elements of the claimed invention and then presumes that the trapezoidal tear strength and stress index are inherent in the laminate disclosed in the reference. The Examiner apparently offers column 6, lines 36-69 of the reference for support of this position, however, that text only discloses that a polymer may be embedded in the fabric and that the polymers on opposite sides (i.e. surfaces) of the fabric may be different. However, Pithouse does not disclose that a first polymer is contained in the nonwoven fabric and that a different second polymer is on a surface of the fabric, as recited in Claim 1.

For a reference to be anticipating it must disclose each and every element of the claimed invention and Pithouse does not. Also, there is no disclosure or suggestion in Pithouse that would lead one of ordinary skill in the art to use a first polymer contained in the nonwoven fabric and to use a second different polymer as a layer on at least one of the surfaces of the fabric, as recited in Claim 1. Claims 2-8, 10-13 and 15-17 all depend from Claim 1 and therefore they are neither anticipated by nor rendered obvious over Pithouse. As such, the rejection is improper both as to

anticipation and as to obviousness and it is respectfully requested that the rejection be withdrawn.

**Rejection Under 35 USC 103(a)**

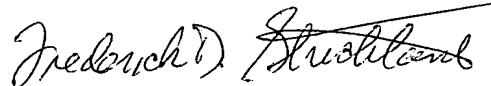
Claims 9 and 14 are rejected under 35 USC 103(a) as obvious over Pithouse as applied to claims 7 and 13 above. Claims 9 and 14 ultimately depend from Claim 1, which has been demonstrated above as not obvious over Pithouse and therefore those claims are not obvious either.

As such, it is respectfully requested that the rejection be withdrawn.

**CONCLUSION**

It is believed that the foregoing is a complete response to the subject Office Action. Applicants believe that all rejections have been overcome and that the instant claims are now in condition for allowance. If any matters remain for resolution, please contact the undersigned.

Respectfully submitted,



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